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FISCAL IMPACT STATEMENT

LS 6496

BILL NUMBER: SB 139

NOTE PREPARED: Feb 3, 2004

BILL AMENDED: Feb 2, 2004

SUBJECT: Forensic Diversion Program.

FIRST AUTHOR: Sen. Long

FIRST SPONSOR:

BILL STATUS: As Passed Senate

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It repeals the Forensic Diversion Program and requires the Forensic Diversion Study Committee to study community-based treatment instead of incarceration for offenders who have a mental illness or an addictive disorder.
- B. It creates the Forensic Diversion Test Program for counties that previously operated a forensic diversion program.
- C. It permits certain offenders with a mental illness or addictive disorder to receive treatment in lieu of incarceration if the offender has not committed a violent offense or a drug dealing offense. It permits the execution of nonsuspendible sentences to be stayed while an offender is participating in the test program, and allows the sentence to be waived if the offender successfully completes the program. It requires the test program to be administered by a judge.
- D. It makes other changes.

Effective Date: July 1, 2004.

Explanation of State Expenditures: (Revised) *Provision A:* The Forensic Diversion Program was established by HEA 1001-2003 to ensure that an adult with a mental illness or an addictive disorder who has been convicted of a crime receives adequate community-based treatment or other services instead of incarceration. An adult with a mental illness or an addictive disorder who has been convicted of a crime may participate in a forensic diversion program following the sentencing hearing if the adult is either on probation or participating in a community corrections program or community transition program.

The Department of Correction is permitted to fund forensic diversion programs for offenders who were diverted from a mandatory period of incarceration from the Department. No monies have been specifically

appropriated for this program. Consequently, repealing this program would have no effect on state expenditures.

The Forensic Diversion Study Committee would be composed of 15 members including legislators, the Chief Justice of the Supreme Court, the executive directors or commissioners of the state's criminal justice agencies, trial court judges, persons experienced in administering probation programs and community corrections programs, and persons experienced in treating mental illness and addictive disorders. The Committee would be charged with studying the circumstances, if any, under which a forensic diversion program would be appropriate and how to implement a program that the Committee would consider to be appropriate. The Indiana Criminal Justice Institute is to provide staff support to the Committee.

Each member of the Committee is entitled to receive the same per diem, mileage, and travel allowance paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the Legislative Council. In the past, Legislative Council resolutions have established budgets for interim study committees ranging from \$6,000 to \$9,000 per interim for committees with fewer than 16 members. All expenditures shall be paid from appropriations to the Legislative Council and the Legislative Services Agency.

Provision C would limit the program to Marion and Vanderburgh County. Under this program offenders who are not convicted of a violent offense or a drug dealing offense and are participating in a community corrections program, a community transition program, or are on probation would be eligible to participate in a forensic diversion program. Depending on the number of offenders this bill would affect, this program could reduce the costs to the Department of Correction.

The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

The average annual cost for placing an offender in a community correction program is \$1,288 (*adult program expenditures in FY 2002 of \$20,343,670 ÷ 15,799 adult offenders being served as of December 31, 2001*).

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Supreme Court, Department of Correction, Criminal Justice Institute, Prosecuting Attorneys Council, Indiana Public Defender.

Local Agencies Affected: Community Corrections Programs, probation offices.

Information Sources: Department of Correction.

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